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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,024	01/29/2001	Yasuaki Yamagishi	450100-02954	9059
20999	7590	06/24/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	<i>SL</i>
	09/772,024	YAMAGISHI, YASUAKI	
Examiner	Art Unit		
Thomas K Pham	2121		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 January 2001.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1/14/03.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**First Action on the Merits**

1. Claims 1-21 of U.S. Application 09/772,024 filed on 01/29/2001 are presented for examination.

***Claim Objections***

2. Claims 2, 3, 4, 6, 7, 8 and 9 objected to because of the following informalities: inconsistent on term "left entry" and "leaf entry". Appropriate correction is required.

**Quotations of U.S. Code Title 35**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

*(b) (1) (B) (2) (A)* 5. Claims 1-12 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,192,365 ("Draper").

#### **Regarding claims 1 and 20**

Draper teaches a transmitting apparatus for transmitting data, comprising: means for allowing update notification information notifying a receiving side that data that is transmitted has been updated to contain information that identifies an updated data portion (col. 13 lines 25-36, "The consistency distributor 74 ... to the update location").

#### **Regarding claim 2**

Draper teaches the data has a directory tree structure, and wherein the update notification information is leaf entry attribute value update information of the directory tree structure (col. 5 lines 14-24, "Each object has associated ... represented by tree structures").

#### **Regarding claim 3**

Draper teaches the leaf entry attribute value update information contains information that identifies a class of a leaf entry of the directory tree structure (col. 6 lines 30-35, "Each object class ... contain instances of this class").

#### **Regarding claim 4**

Draper teaches the leaf entry attribute value update information contains information that identifies an attribute of a leaf entry of the directory tree structure (col. 6 lines 25-29, "Each attribute in the schema 84 ... assumed by the attribute").

#### **Regarding claims 5 and 21**

Draper teaches a receiving apparatus for receiving data, comprising: means for receiving the data

and update notification information notifying the receiving apparatus that the data has been updated and identifying a particular portion of an updated data portion corresponding to the received update notification information (col. 13 lines 42-52, “A process of the consistency . . . in the event of a crash”).

**Regarding claim 6**

Draper teaches the data has a directory tree structure, and wherein the update notification information is leaf entry attribute value update information of the directory tree structure (col. 5 lines 14-24, “Each object has associated . . . represented by tree structures”).

**Regarding claim 7**

Draper teaches extracting a leaf entry that is updated corresponding to information that identifies a class of a leaf entry of the directory tree structure, the class identifying information being contained in the leaf entry attribute value update information (col. 5 lines 25-34, “The target database includes . . . values will be equal” and col. 6 lines 30-35, “Each object class . . . contain instances of this class”).

**Regarding claim 8**

Draper teaches extracting a leaf entry that is updated corresponding to information that identifies an attribute of a leaf entry of the directory tree structure, the class identifying information being contained in the leaf entry attribute value update information (col. 5 lines 25-34, “The target database includes . . . values will be equal” and col. 6 lines 25-29, “Each attribute in the schema 84 . . . assumed by the attribute”).

**Regarding claim 9**

Draper teaches performing a process for extracting a leaf entry that is updated corresponding to a

combination of information identifying a class of a leaf entry of the directory tree structure and information identifying an attribute thereof, the information identifying the class and the information identifying the attribute being contained in the leaf entry attribute value update information (col. 6 lines 25-44, "Each attribute in the schema 84 ... a container object class").

**Regarding claim 10**

Drapper teaches a transmitting-receiving system, comprising: a transmitting unit for transmitting data (col. 13 lines 25-36, "The consistency distributor 74 ... to the update location"); and a receiving unit for receiving transmitted data, wherein said transmitting unit transmits the data and update notification information notifying a receiving side that the data has been updated (col. 13 lines 42-52, "A process of the consistency ... in the event of a crash"), the update notification information containing information identifying an updated data portion, and wherein said receiving unit receives the data and the update notification information and identifies a particular portion of an updated data portion corresponding to the received update notification information (col. 14 lines 18-34, "The SyncState structure ... problem for most systems").

**Regarding claim 11**

Draper teaches a plurality of said transmitting units are disposed (col. 5 lines 6-11, "at least two of the computers 28 ... consistent replicas 56") .

**Regarding claim 12**

Draper teaches a plurality of said receiving units are disposed (col. 5 lines 35-43, "replicas 56 at different locations ... for that variable or record").

**Claim Rejections - 35 USC § 103**

6. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draper in view of U.S. Patent No. 6,052,724 ("Willie").

**Regarding claim 13**

Drapper teaches a transmitting-receiving system but does not teach a broadcast network. However, Willie teaches a distributed directory service using standard network management protocols for notification (col. 4 lines 15-23, "Upon occurrence of a particular ... continually monitor the directory service") for the purpose of reducing the need to continually monitor the directory service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the broadcast network of Willie with the transmitting-receiving system of Drapper because it would provide for the purpose of reducing the need to continually monitor the directory service.

**Regarding claim 14**

Willie teaches transmitting unit transmits data to said broadcast network (col. 8 lines 36-40, "MIB 71 implements ... to management station 80").

**Regarding claim 15**

Willie teaches receiving unit receives data from said broadcast network (col. 8 lines 40-41, "... or stored to await polling from management station 80").

**Regarding claim 16**

Willies teaches a communication network using conventional network protocols (col. 6 lines 64-67, "The communication protocol ... TCP/IP or SPX/IPX"). It is obvious to one of ordinary skill in the art at the time of the inventions to include a ground radio wave broadcast network as part of the conventional network protocols.

**Regarding claim 17**

Willies teaches a communication network using conventional network protocols (col. 6 lines 64-67, "The communication protocol ... TCP/IP or SPX/IPX"). It is obvious to one of ordinary skill in the art at the time of the inventions to include a satellite radio wave broadcast network as part of the conventional network protocols.

**Regarding claim 18**

Willie teaches broadcast network is a ground network (col. 3 lines 59-67, "By using standard network ... standard network management software").

**Regarding claim 19**

Willie teaches broadcast network is the Internet (col. 6 lines 64-67, "The communication protocol ... TCP/IP or SPX/IPX").

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas Pham**  
*Patent Examiner*

June 18, 2004



**Anthony Knight**  
*Supervisory Patent Examiner*  
*Group 3600*